

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE  
2005 FEB -21 P 2:38

U.S. DISTRICT COURT  
DISTRICT OF MASS.

CARDILLO & SONS, INC., )  
)  
Plaintiff )  
)  
vs. )  
)  
MRH INTERNATIONAL, INC., )  
OFFICIAL SECURITY, INC., )  
DARRYL CRONFELD, and MARGARET )  
R. CRONFELD, )  
)  
Defendants )

DOCKET NO.: 04-12496-JLT

**DEFENDANTS' MOTION TO DISMISS FOR IMPROPER  
VENUE (RULE 12(b)(3)) OR IN THE ALTERNATIVE, TO  
TRANSFER PLAINTIFF'S ACTION TO THE UNITED STATES  
DISTRICT COURT FOR THE DISTRICT OF NEVADA  
(REQUEST FOR ORAL ARGUMENT)**

The Defendants, MRH International, Inc., Official Security, Inc., Darryl Cronfeld and Margaret R. Cronfeld, move, pursuant to F.R.Civ. P.12(b)(3), 28 U.S.C. §§ 1391(a), and §1406(a), to Dismiss, or in the alternative, to transfer this case to the United States District Court for the District of Nevada and in support thereof state the following:

1. The Plaintiff Cardillo & Sons, Inc. ("CSI") is a Massachusetts corporation with its principal place of business at 22 Dowse Street, Everett, Massachusetts, (as alleged in paragraph 2 of the complaint).

2. The Defendant Official Security, Inc., is a Nevada corporation with its principal place of business in

Las Vegas, Nevada (see Defendant's Affidavit filed herewith("Affidavit")); and

3. The Defendant MRH International, Inc., is a Nevada corporation with its principal place of business in Las Vegas, Nevada (Affidavit"); and

4. The Defendants Darryl Cronfeld and Margaret R. Cronfeld, husband and wife of the corporate Defendants and resides at 3534 Leos Court, Las Vegas, Nevada 89103 ("Affidavit").; and

5. On January 12, 2005, Plaintiff filed a First Amended Complaint, with Counts for "Defamation", "Tortious Interference with Contractual and/or Advantageous Business Relations", "Malicious Abuse of Process", "Civil Conspiracy" and "Unfair or Deceptive Acts or Practices - M.G.L. C93A"; and

6. That Defendants move, pursuant to Federal Rule of Civil Procedure 12(b)(3), for dismissal for improper venue or, in the alternative, for transfer pursuant to 28 U.S.C. §1406(a) to the United States District Court for Nevada, for the reasons stated in the Defendants' Affidavit and Memorandum filed herewith.

Respectfully submitted,  
By their attorneys,




Robert M. Bonin, Esq. (BBO# 049100)  
BONIN & MARASHIAN  
77 Franklin Street, 4<sup>th</sup> Floor  
Boston, Massachusetts 02110  
(617) 723-2525

*Feb 2, 2005*

LOCAL RULE 7.1 CERTIFICATION


Pursuant to Local Rule 7.1(A)(2), I hereby certify that I have conferred with counsel for the Plaintiff in a good faith effort to narrow areas of dispute related to this motion.

  
Robert M. Bonin, Esquire

CERTIFICATE OF SERVICE

I HEREBY certify that on this 2<sup>nd</sup> day of February, 2005 a copy of the foregoing was delivered to:

John F. Tocci, Esq.  
Tocci, Goss & Lee, P.C.  
35 India Street  
5<sup>th</sup> Floor  
Boston, Massachusetts 02110.

  
Robert M. Bonin, Esquire